

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Gladwin *et al.*

**Application No.** 10/563,683

**Filed:** January 6, 2006

**Confirmation No.** 3225

**For:** USE OF NITRITE SALTS FOR THE  
TREATMENT OF CARDIOVASCULAR  
CONDITIONS

**FILED VIA EFS**

**Examiner:**

**Art Unit:** 1616

**Attorney Reference No.** 4239-67618-07

FILED VIA ELECTRONIC FILING SYSTEM  
UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE  
AND REQUEST FOR CORRECTION OF INVENTORSHIP**

This responds to the Office action (Notification of Defective Response) dated November 9, 2006. A response is due no later than **December 9, 2006**.

The Notification of Defective Response indicates that the declaration of the inventors (“Declaration”) does not comply with 37 CFR 1.497(a) and (b) in that it is executed by Richard O. Cannon III, who was not listed on the corresponding International Application. In accordance with the requirements of 37 CFR 1.497, Applicants provide herewith the documents necessary to formally add Richard O. Cannon III as an inventor, as he was inadvertently omitted from the filed International Application. These documents include A Statement Regarding Inventorship (signed by Richard O. Cannon III, and indicating that his omission was without deceptive intent) and five signed Assent by Assignee to Addition of Inventor forms (signed by each of the joint assignees).

Applicants formally request that Richard O. Cannon III be added as an inventor in this matter; the processing fee required by 37 CFR 1.17(i) is being submitted herewith.

In view of this submission, it is believed that the Declaration submitted on October 4, 2006, is in compliance and satisfies the filing requirements for this case. Applicants provide a copy of the Declaration (24 pages) herewith, for easy reference.

It is respectfully submitted that the present application is in condition for substantive examination. If it may further prosecution, the Office is respectfully invited to call the undersigned patent attorney at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By /Tanya M. Harding/  
Tanya M. Harding, Ph.D.  
Registration No. 42,630

NHT/THH



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,683	Mark T. Gladwin	4239-67618-07

36218  
 KLARQUIST SPARKMAN, LLP  
 121 S.W. SALMON STREET  
 SUITE #1600  
 PORTLAND, OR 97204-2988

INTERNATIONAL APPLICATION NO.

PCT/US04/22232

I.A. FILING DATE	PRIORITY DATE
07/09/2004	07/09/2003

CONFIRMATION NO. 3225  
 371 FORMALITIES LETTER



\*OC000000021170606\*

Date Mailed: 11/09/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 01/06/2006
- Copy of the International Search Report filed on 01/06/2006
- Copy of IPE Report filed on 01/06/2006
- Copy of Annexes to the IPER filed on 01/06/2006
- Preliminary Amendments filed on 01/06/2006
- Information Disclosure Statements filed on 10/04/2006
- Oath or Declaration filed on 10/04/2006
- Request for Immediate Examination filed on 01/06/2006
- U.S. Basic National Fees filed on 01/06/2006
- Assignment filed on 11/01/2006
- Priority Documents filed on 01/06/2006
- Power of Attorney filed on 10/04/2006
- Specification filed on 01/06/2006
- Claims filed on 01/06/2006
- Abstracts filed on 01/06/2006
- Drawings filed on 01/06/2006

DOCKETED FOR:

12/9/06

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Applicant's response filed 11/01/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/27/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Executed by Inventor not listed on International Application, Richard O. Cannon III.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,683	PCT/US04/22232	4239-67618-07

FORM PCT/DO/EO/916 (371 Formalities Notice)

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**STATEMENT UNDER 37 C.F.R. 1.497(b)**  
**REGARDING INVENTORSHIP**

I, Richard O. Cannon III, state that there was no deceptive intent on my part in the error of inventorship omitting my name as an inventor in PCT Application PCT/US2004/022232.

Signed,

By

  
Richard O. Cannon, III

Date

Nov. 22, 2006

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**ASSENT BY ASSIGNEE UNDER 37 C.F.R. 1.497(b)**  
**TO ADDITION OF INVENTOR**

The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (“the Government”), is a joint Assignee of an undivided right, title and interest in the above-referenced application (Assignment Recorded on December 4, 2006, at Reel 018580, Frames 0077-0084).

As a joint Assignee, the Government hereby assents to the addition of Richard O. Cannon III as an inventor, as filed with the Combined Declaration and Power of Attorney filed on October 4, 2006.

The National Institutes of Health Office of Technology Transfer has been duly delegated responsibility for patent matters under the authority of the memorandum dated May 21, 1991, from Louis W. Sullivan, the Secretary of the Department of Health and Human Services, delegating the authority to the Heads of the Public Health Service Operating Divisions, as well as a memorandum dated February 2, 2004, from Mark L. Rohrbaugh, Ph.D., J.D., Director, Office of Technology Transfer, National Institutes of Health, delegating authority to sign this Power of

Attorney to the undersigned individual. The undersigned is therefore authorized to exercise such authority in this matter.

Executed on Dec. 5, 2006 (date), at Rockville, Maryland.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES



Name: Norbert Pontzer  
Reg. No.: 40,277  
For: Mark Rohrbaugh, Ph.D., J.D.  
Director, Office of Technology Transfer  
National Institutes of Health  
Office of Technology Transfer  
6011 Executive Boulevard, Suite #325  
Rockville, MD 20852  
Telephone: 301-496-7056

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**ASSENT BY ASSIGNEE UNDER 37 C.F.R. 1.497(b)**  
**TO ADDITION OF INVENTOR**

The University of Alabama Research Foundation (“UARF”), 701 20<sup>th</sup> Street South, AB 1120 G, Office of Intellectual Property, Birmingham, Alabama 35294-0111, is a joint Assignee of an undivided right, title and interest in the above-referenced application (Assignment Recorded on November 1, 2006, at Reel 018462, Frames 0870-0872).

As a joint Assignee, UARF hereby assents to the addition of Richard O. Cannon III as an inventor, as indicated in the Combined Declaration and Power of Attorney filed on October 4, 2006. The undersigned is authorized to sign this document on behalf of the joint Assignee.

THE UNIVERSITY OF ALABAMA RESEARCH FOUNDATION

By William S. White

Date December 6, 2006

Name (typed or printed) William S. White

Title (typed or printed) CEO

TMH.dnr 11/20/06 614613.doc E-254-20003-US-02  
PATENT

Attorney Reference Number 4239-67618-07  
Application Number 10/563,683

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**ASSENT BY ASSIGNEE UNDER 37 C.F.R. 1.497(b)**  
**TO ADDITION OF INVENTOR**

Wake Forest University ("WFU"), 200 East First Street, Suite 101, One Technology Place, Winston-Salem, North Carolina 27101, is a joint Assignee of an undivided right, title and interest in the above-referenced application (Assignment Recorded on November 1, 2006, at Reel 018462, Frames 0723-0725).

As a joint Assignee, WFU hereby assents to the addition of Richard O. Cannon III as an inventor, as filed with the Combined Declaration and Power of Attorney filed on October 4, 2006. The undersigned is authorized to sign this document on behalf of the joint Assignee.

WAKE FOREST UNIVERSITY

By Michael Batalia  
Date November 30, 2006

Name (typed or printed) Michael Batalia

Title (typed or printed) Director

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**ASSENT BY ASSIGNEE UNDER 37 C.F.R. 1.497(b)**  
**TO ADDITION OF INVENTOR**

Loma Linda University ("LLU"), Anderson Street and Barton Road, Intellectual Property and Contracts, Loma Linda, California 92350, is a joint Assignee of an undivided right, title and interest in the above-referenced application (Assignment Recorded on November 1, 2006, at Reel 018462, Frames 0726-0728).

As a joint Assignee, LLU hereby assents to the addition of Richard O. Cannon III as an inventor, as indicated in the Combined Declaration and Power of Attorney filed on October 4, 2006. The undersigned is authorized to sign this document on behalf of the joint Assignee.

LOMA LINDA UNIVERSITY

By \_\_\_\_\_ 

Date \_\_\_\_\_ *Dec 7, 2006*

Name (typed or printed) \_\_\_\_\_ *Anthony J. Zuccarelli*

Title (typed or printed) \_\_\_\_\_ *Associate Vice Chancellor for Research Affairs*

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**TO ADDITION OF INVENTOR**

The Board of Supervisors of Louisiana State University, Acting Through Louisiana State University Health Sciences Center (“LSU”), 1501 Kings Highway, Shreveport, Louisiana 71103, is a joint Assignee of an undivided right, title and interest in the above-referenced application (Assignment Recorded on October 8, 2004, at Reel 015234, Frames 0133-0138, in the parent PCT application, PCT/US2004/022232).

As a joint Assignee, LSU hereby assents to the addition of Richard O. Cannon III as an inventor, as indicated in the Combined Declaration and Power of Attorney filed on October 4, 2006. The undersigned is authorized to sign this document on behalf of the joint Assignee.

THE BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY...

By John C. McDonald, M.D.

Date December 5, 2006

Name (typed or printed) John C. McDonald, M.D., Chancellor and Dean

Title (typed or printed) \_\_\_\_\_